

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRYSTAL HOLMES,

Petitioner,

v.

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

Case No. 1:23-cv-1279-WBS-SKO

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
THAT PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT BE GRANTED
AND THE ACTION BE REMANDED TO
THE COMMISSIONER FOR FURTHER
PROCEEDINGS**

(Doc. 26)

Plaintiff Chrystal Holmes seeks judicial review of a final decision of the Commissioner of Social Security denying her application for benefits. (Docs. 1, 12). The magistrate judge found the ALJ erred by failing to provide clear and convincing reasons to discount Plaintiff's subjective complaints. (Doc. 26 at 12). Therefore, the magistrate judge recommended Plaintiff's motion for judgment be granted and the matter be remanded for further administrative proceedings. (*Id.* at 15-16). In addition, the magistrate judge recommended judgment be entered in favor of Plaintiff and against the Commissioner. (*Id.*).

¹ On December 20, 2023, Martin O'Malley was named Commissioner of the Social Security Administration. *See* <https://www.ssa.gov/history/commissioners.html>. He is therefore substituted as the defendant in this action. *See* 42 U.S.C. § 405(g) (referring to the "Commissioner's Answer"); 20 C.F.R. § 422.210(d) ("the person holding the Office of the Commissioner shall, in [their] official capacity, be the proper defendant.").

1 The Court served the Findings and Recommendations on all parties and notified them that
2 any objections were due within 14 days. (Doc. 26 at 15-16). The Court also informed the parties
3 that “the failure to file objections within the specified time may result in the waiver of rights on
4 appeal.” (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) No objections
5 were filed and the time to do so expired.

6 Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court performed a *de novo* review of the case.
7 Having carefully reviewed the entire matter, the Court concludes the Findings and
8 Recommendations are supported by the record and proper analysis. Accordingly, the Court
9 ORDERS:

- 10 1. The Findings and Recommendations issued on August 28, 2024 (Doc. 26) are
11 ADOPTED.
- 12 2. Plaintiff’s Motion for Summary Judgment (Doc. 12) is GRANTED.
- 13 3. The matter is REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for
14 further administrative proceedings.
- 15 4. The Clerk of Court is directed to enter judgment in favor of Plaintiff Chrystal Holmes
16 and against Defendant Martin O’Malley, Commissioner of Social Security, and to
close this case.

17 Dated: October 1, 2024



18 WILLIAM B. SHUBB
19 UNITED STATES DISTRICT JUDGE
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